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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,596	03/14/2001	Yasuo Suda	B208-1125	4574

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EXAMINER

YODER III, CHRISS S

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 07/07/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/808,596

**Applicant(s)**

SUDA, YASUO

**Examiner**

Chriss S. Yoder, III

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-22 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 9 and 21 is/are rejected.
- 7) ☒ Claim(s) 2, 4-8, and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/14/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Viewfinder device made up of two prisms to reduce the reflections from outside the viewing area".

### *Claim Objections*

Claims 1 and 11 are objected to because of the following informalities:

Claim 1 recites the limitation "a second prism disposed separately from said first *prim* across an air gap" in lines 1-5 of claim 1, which the examiner believes should read "a second prism disposed separately from said first prism across an air gap." These claims will be examined as understood by the examiner.

Claim 11 recites the limitation "in order *from* an object side to a viewing eye side: a first prism; and a second prism disposed separately from said first *prim* across an air gap" in lines 5-6 of claim 11, which the examiner believes should read "in order *from* an object side to a viewing eye side: a first prism; and a second prism disposed separately from said first prism across an air gap." These claims will be examined as understood by the examiner.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Matui (US Patent # 3,952,321).
2. In regard to claim 1, note Matui discloses the use of a viewfinder device, comprising a first prism (figure 1: 2) and a second prism disposed separately from said first prim (figure 1: 2') across an air gap (column 3, lines 15-17), wherein said first prism, said air gap and said second prism are arranged in such a manner that an object light flux obtained within a viewing field passes through said first prism, said air gap and said second prism so as to reach the viewing eye (figure 1; the dotted line that passes through item 6 is considered to be the object light that passes through the first prism, air gap, and the second prism, reaching the viewing eye), while an object light flux obtained outside the viewing field is totally reflected by surfaces of said first prism so as to be prevented from reaching the viewing eye (figure 1: S2; the object light obtained outside the viewing field is considered to be S2, which is reflected so as to be prevented from reaching the viewing eye).
3. In regard to claim 21, note Matui discloses the use of a viewfinder device used in a camera (column 1, lines 8-10).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matui (US Patent # 3,952,321).

5. In regard to claim 3, note Matui discloses the use of a viewfinder comprised of two prisms as described in claim 1. Therefore, it can be seen that the Matui reference fails to disclose that the composite optical power of said first prism and said second prism is nonpower. Although Matui is silent on the limitation that the composite optical power of said first prism and said second prism is nonpower, it would have been obvious to have nonpowered composite optics in order to allow the user to view the object through the viewfinder as if they were actually looking at it (i.e. to view the image with no magnification). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Matui device to use nonpowered composite optics in order to allow the user to view the object as they appear.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matui (US Patent # 3,952,321) in view of Watanabe (US Patent # 5,701,203).

7. In regard to claim 9, note Matui discloses the use of a viewfinder comprised of two prisms as described in claim 1. Therefore, it can be seen that the Matui reference fails to disclose that the air gap measures 1.4  $\mu\text{m}$  or more in thickness. Watanabe discloses the use of an air gap between two prisms that is 0.5 mm in thickness (column 5, lines 18-20). Watanabe teaches that the use of an air gap is necessary in order to correct for an astigmatism in an optical device (column 4, lines 34-40). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Matui device to

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include an air gap as suggested by Watanabe, in order to correct for an astigmatism in an optical device.

***Allowable Subject Matter***

8. Claims 11-20 and 22 would be allowable if rewritten or amended to overcome the objections set forth in this Office Action.

9. The following is an examiner's statement of reasons for allowance:

As for claim 11, the prior art does not teach or fairly suggest the use of a viewfinder device having a first prism being convex, a second prism disposed across an air gap, and object light flux obtained outside the viewing field is totally reflected by the convex portion of said first prism so as to be prevented from reaching the viewing eye.

10. Claims 2, 4-8, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. As for claim 2, the prior art does not teach or fairly suggest the use of a viewfinder device having a first prism having a convex shape protruding toward the viewing eye, a second prism having a concaved shape disposed across an air gap, and object light flux obtained outside the viewing field is totally reflected by the convex portion of said first prism so as to be prevented from reaching the viewing eye.

12. As for claim 4, the prior art does not teach or fairly suggest the use of a viewfinder device having a first prism having a surface, facing an air gap, that has a flat top surface and four side surfaces forming a roof part in conjunction with the flat top

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surface, with each of the four sides reflecting the object light flux obtained outside the viewing field.

13. As for claim 10, the prior art does not teach or fairly suggest the use of a viewfinder device having a first prism that is hexahedron shaped and a top surface of a side of the hexahedron is a square that is smaller than the surface facing the object side.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4682237: note the use of a camera with an optical viewfinder.

3911457: note the use of a camera with an optical viewfinder with two prisms.

4118722: note the use of a camera with an optical viewfinder and housing.

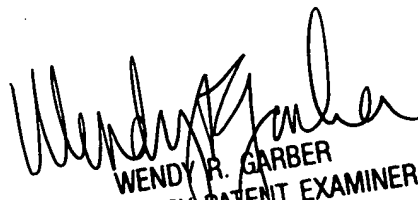
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (703) 305-0344. The examiner can normally be reached on M-F: 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CSY  
June 23, 2004

  
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